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EXAMINER

MAIS, MARK A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2616

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|--------------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/707,900 | | JAMES EDWARD CHRISTENSEN | |
| | Examiner | | Art Unit | |
| | Mark A. Mais | | 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22, 24-25, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Staples et al. (USP 5,889,845).

3. With regard to claim 1, Staples et al. discloses a method for routing a communication connection request **[connecting to the virtual presence server, col. 2, lines 38-53]** comprising the steps of:

in response to a communication connection request **[remote caller calls into corporate office in order to place/receive calls on the corporate telephone line, col. 2, lines 55-58]**, obtaining context information from a communication connection requestor **[identification information and security information to the virtual presence server, col. 2, lines 58-60]**;

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using said context information to determine a communication connection action **[virtual presence server verifies information; col. 14, lines 36-39]**; and

connecting said communication connection requestor based on said connection action **[validates caller ID, other ID, security/password, col. 19, lines 38-42, col. 20, lines 30-44; then, after validation, accepts request for virtual presence, col. 20, lines 1-8]**.

4. With regard to claim 12, Staples et al. discloses a method for providing a communication connection **[connecting to the virtual presence server, col. 2, lines 38-53]** for a user **[remote caller calls into corporate office in order to place/receive calls on the corporate telephone line, col. 2, lines 55-58]** comprising the steps of:

obtaining context information for said user **[identification information and security information to the virtual presence server, col. 2, lines 58-60]**;

using said context information to determine a communication connection action **[virtual presence server verifies information; col. 14, lines 36-39]**; and

connecting said user based upon said connection action **[validates caller ID, other ID, security/password, col. 19, lines 38-42, col. 20, lines 30-44; then, after validation, accepts request for virtual presence, col. 20, lines 1-8]**.

5. With regard to claims 17, 24, and 25, Staples et al. discloses a method of routing a caller's call **[remote caller calls into corporate office in order to place/receive calls on the corporate telephone line, col. 2, lines 55-58]** comprising the steps of:

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obtaining context information for said caller [**identification information and security information to the virtual presence server, col. 2, lines 58-60**];

using said context information to determine a communication connection action [**virtual presence server verifies information; col. 14, lines 36-39**]; and

connecting said caller based upon said connection action [**validates caller ID, other ID, security/password, col. 19, lines 38-42, col. 20, lines 30-44; then, after validation, accepts request for virtual presence, col. 20, lines 1-8**].

6. With regard to claim 27, Staples et al. discloses a method of determining a communication connection for a caller [**remote caller calls into corporate office in order to place/receive calls on the corporate telephone line, col. 2, lines 55-58**] comprising the steps of:

obtaining context information for said caller [**identification information and security information to the virtual presence server, col. 2, lines 58-60**];

using said context information to determine a communication connection action [**virtual presence server verifies information; col. 14, lines 36-39**]; and

connecting said caller based upon said connection action [**validates caller ID, other ID, security/password, col. 19, lines 38-42, col. 20, lines 30-44; then, after validation, accepts request for virtual presence, col. 20, lines 1-8**].

7. With regard to claim 28, Staples et al. discloses a service for determining a communication connection for a caller [**remote caller calls into corporate office in order to place/receive calls on the corporate telephone line, col. 2, lines 55-58**] comprising the method steps of:

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obtaining context information for said caller **[identification information and security information to the virtual presence server, col. 2, lines 58-60]**;

using said context information to determine a communication connection action **[virtual presence server verifies information; col. 14, lines 36-39]**; and

connecting said caller based upon said connection action **[validates caller ID, other ID, security/password, col. 19, lines 38-42, col. 20, lines 30-44; then, after validation, accepts request for virtual presence, col. 20, lines 1-8]**.

8. With regard to claims 2, 13, and 18, Staples discloses that determining a confidence factor for the connection action **[determines whether security/password matches, col. 20, lines 41-44; or whether caller ID information matches a database of valid callers, col. 20, lines 44-47]**.

9. With regard to claims 3, 14, and 19, Staples et al. discloses that performing said connection in response to exceeding a confidence factor threshold **[after validation, the virtual presence server accepts the request for virtual presence, col. 20, lines 1-8]**.

10. With regard to claims 4, 15, and 20, Staples et al. discloses that validating said connection action with a caller for connections not exceeding a confidence factor threshold **[if the caller ID is not sent or recognized (interpreted as not exceeding the confidence factor), the system uses only the security/password, col. 20, lines 57-59]**.

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11. With regard to claims 5, 16, 21, and 30, Staples et al. discloses that determining a connection action is done with rules engine **[the virtual presence server (interpreted as performing rules engine), after validation, accepts the request for virtual presence, col. 20, lines 1-8]**.

12. With regard to claims 6, 7, 8, and 9, Staples et al. discloses that providing an indication of an associated action, data transmission, notification, and workflow initiation **[virtual presence is allows remote caller to make calls, faxes, e-mail, and data transmissions, as well notifies remote caller of incoming calls, faxes, e-mail, and data transmissions (interpreted as workflow), col. 3, lines 25-31]**.

13. With regard to claim 10, Staples et al. discloses that providing an indication of an associated action further includes the step of having a logging action **[virtual presence is allows remote caller to make calls, faxes, e-mail, and data transmissions, as well notifies remote caller of incoming calls, faxes, e-mail, and data transmissions (interpreted as workflow), col. 3, lines 25-31; virtual presence server logs invalid callers, col. 20, lines 54-57, logs call forwarding status and history of the user, col. 27, lines 8-10, and allows the user to log onto the internet, col. 25, lines 7-9]**.

14. With regard to claim 11, Staples et al. discloses that providing an indication of an associated action further includes the step of directing said associated action to at least one additional connection **[if an incoming call to the home phone number is made, the call is forwarded to the virtual presence server (via the virtual presence connection) and then re-routed back to**

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the remote user on his corporate line via the virtual presence server, col. 14, lines 50-59; in order to call an external party in another part of the country, the remote user accesses the corporate WATTS line via the virtual presence server in order to make the long-distance call, col. 26, lines 5-16].

15. With regard to claim 22, Staples et al. discloses using context information for a called party to assist in determining said communication connection action **[in order to call an external party in another part of the country, the remote user accesses the corporate WATTS line via the virtual presence server in order to make the long-distance call, col. 26, lines 5-16].**

16. With regard to claim 29, Staples et al. discloses an apparatus for use in a computer services environment said apparatus comprising:

at least one processor **[col. 5, lines 34-36]** operative to route a caller's call based upon context information for said caller **[remote caller calls into corporate office in order to place/receive calls on the corporate telephone line, col. 2, lines 55-58], and**

using said context information to determine a communication connection action for connecting said caller **[identification information and security information to the virtual presence server, col. 2, lines 58-60].**

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Staples et al. in view of Thiemer et al.

18. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al. as applied to claim 17 above, and further in view of Thiemer et al. (USP 5,544,321).

19. With regard to claim 23, as noted for claim 17 above, Staples et al. discloses that the context information is the identification information. However, Staples et al. does not specifically disclose that the identification information as the calendar of the user. The User Agent in Thiemer et al. performs similar functions as the virtual presence server for accessing, verifying, and locating the remote user such as gathering and managing the remote caller information (e.g., office number and other information from the user profile) [col. 10, lines 15-18]. Moreover, Thiemer et al. also provides the functionality of allowing the User Agent to access personal scheduling information such as calendar information in order correlate the calendar information to trigger certain reactions by the agent or the application (i.e., accepting a remote caller's request) [col. 10, lines 30-45]. Thus, it would have been obvious to one of ordinary skill in the

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art at the time of the invention to have used calendar information as part of the identification information to verify, authenticate, and/or locate the remote user in order to accept the remote caller's request for a remote presence.

Staples et al. in view of Smith

20. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al. as applied to claims 17 and 24 above, and further in view of Smith (USP 6,774,796).

21. With regard to claim 26, as noted for claims 24 and 17 above, Staples et al. discloses validating caller ID, other ID, or security/password before accepting a remote caller's request for virtual presence. However, Staples et al. does not specifically disclose using biometrics to validate the remote caller. Smith discloses methods for user validation such as security/password **[col. 1, line 17]**. Smith further discloses common biometrics for user validation **[col. 1, lines 17-22]**. Smith goes on to disclose a universal biometric authenticator that uses biometric sensors (i.e., thermal, optical, etc.) **[col. 3, lines 25-30]**. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used biometrics to authenticate a remote caller because biometrics provides an additional layer of security to protect the corporation's and the remote caller's sent/received information **[col. 1, lines 12-15]**.

Staples et al. in view of Thiemer et al.

22. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al. as applied to claim 29 above, and further in view of Thiemer et al. (USP 5,493,692).

23. With regard to claim 31, as noted for claim 29 above, Staples et al. discloses routing a caller's call based upon context information for the caller such as calling remotely to the corporate office in order to place/receive calls on the corporate telephone line [col. 2, lines 55-58]. However, Staples et al. does not specifically disclose routing the call using context information such as a calendar. Thiemer et al. discloses a communication device capable of sending messages based on context switching, for example, sending selective call messaging based on a on the context and environment of the user [Title]. Moreover, contextual attributes may be specified for specific users based on user profile [Abstract]. Thus, contextual switching can be performed using a personal calendar based on the calendar-based rules the use desires [col. 10, lines 8-21]. Thus, it would have been obvious to one of ordinary skill in the art to have used a calendar to produce the context-switching (routing) based on information from a calendar program because such contextual switching can be easily programmed based on the user's desires and/or needs.

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Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Lazaridis et al. (USP 6,219,694), System and method for pushing information from a host system to a mobile data communication device having a shared electronic address.

(b) Dulaney, II et al. (USP 5,416,473), Calendar driver selective call messaging system and operating method.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is (571) 272-3138. The examiner can normally be reached on 6:00-4:30.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 27, 2006

Seema S. Rao
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